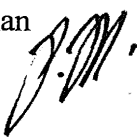


COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

MEMORANDUM

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TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman 

DATE: June 12, 2023

RE: Notice of intent to move an amendment in the nature of a substitute to the FY24 Budget Support Act at the additional June 13 Legislative Meeting

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This memorandum is to provide notice of my intent to move an Amendment in the Nature of a Substitute (ANS) for Bill 25-202, the Fiscal Year 2024 Budget Support Act of 2023 (FY24 BSA) at tomorrow's additional legislative meeting. The ANS is attached. It makes several substantive revisions, as well as technical and clarifying changes developed with the Council's Office of the Budget Director and Office of the General Counsel, the Office of the Chief Financial Officer, and the Executive. The changes are described briefly below.

**TITLE I. GOVERNMENT DIRECTION AND SUPPORT**

Subtitle E. District of Columbia Auditor Compensation Amendment Act of 2023: This new subtitle provides that the Auditor shall be paid at a rate equal to the Chairman of the Council.

**TITLE II. ECONOMIC DEVELOPMENT AND REGULATION**

Subtitle B. Columbia Heights/Mount Pleasant, Lower Georgia Avenue, and U Street Main Street Targeted Outreach Grant Act of 2023: The ANS strikes this subtitle and adds the grant language to subtitle 5-G, Substance Abuse and Behavioral Health Targeted Outreach Pilot.

Subtitle B. District of Columbia Housing Authority Procurement Clarification Amendment Act of 2023: This new subtitle contains the same language recently passed (Act 25-114) by the Council clarifying that the Housing Authority is subject to the District's procurement statutes and making conforming changes.

Subtitle F. Deputy Mayor for Planning and Economic Development Grant Program Amendment Act of 2023: The ANS includes clarifying changes to the Retail Recovery Grant Program, including authorizing the Deputy Mayor to use a non-competitive grants process for the grant to a woman-owned business, and directing the Deputy Mayor to try to award at least one grant to an eligible business operating a childcare center, supermarket, or urgent care center. The ANS also includes grant language for an already-budgeted \$2 million grant to the Douglass Community Land Trust in FY 2023 and expands existing grant language for an organization

serving Latino-led businesses to include a not-for-profit membership organization created to support the advancement of the Hispanic Construction Community.

Subtitle M. Emergency Rental Assistance Funds Reporting and Notice Requirements Amendment Act of 2023: The ANS includes clarifying changes, including to the notice of the closing date of the portal in response to concerns raised by the Department of Human Services.

Subtitle O. Housing Authority Financial Reporting Amendment Act of 2023: The ANS includes clarifying language.

Subtitle Q. Commission on the Arts and Humanities Allotment Adjustment and Large Capital Grants Amendment Act of 2023: The ANS moves the large capital grant program from outside the general operating support grants to within its structure and makes conforming changes to the percentages to accommodate the large capital grant program within that structure, while maintaining the funding allocated in the FY 2024 Local Budget Act.

Subtitle S. Public Housing Stability Amendment Act of 2023: The ANS makes several conforming changes to the deed and recordation tax code to reflect both the new Fiscal Year 2028 dedication to the Housing Authority Rehabilitation and Maintenance Fund and the Housing Production Trust Fund (HPTF), and the Mayor's cap on the growth of the HPTF. The ANS also moves the Mayor's HPTF cap language from subtitle VII-C, Dedicated Revenue Adjustments Amendment Act of 2023, in order to keep all the related provisions together.

Subtitle T. Housing Production Trust Fund Amendment Act of 2023: This new subtitle restores language recommended by the Committee on Housing, which authorizes the Mayor to transfer in Fiscal Year 2024 \$4 million to the Home Purchase Assistance Program and \$2 million to the Neighborhood-Based Activities Program to support the Heirs Property Program.

### **TITLE III. PUBLIC SAFETY AND JUSTICE**

Subtitle C. Public Safety Grants Amendment Act of 2023: The ANS adds authority for the Deputy Mayor for Public Safety and Justice to issue grants to support the Safe Passage Safe Blocks program and amends the Office of Neighborhood Safety and Engagement grant section to replace earmarks with a single grant awarded on a competitive basis.

Subtitle D. Forensic Sciences and Public Health Laboratory Reporting Structure Amendment Act of 2023: This new subtitle amends the Department of Forensic Sciences Establishment Act to make the Forensic Sciences and Public Health Laboratory a subordinate executive agency upon the applicability date of Law 24-348, the Restoring Trust and Credibility to Forensic Sciences Amendment Act of 2022.

### **TITLE IV: PUBLIC EDUCATION**

Subtitle D. Enhancing Child Care Access for Children with Disabilities: The ANS makes clarifying changes.

Subtitle G. Public Charter School Teacher Compensation Act of 2023: The ANS conforms the subtitle to the language approved in Bill 25-205, the Fiscal Year 2023 Revised Local Budget Adjustment Emergency Act of 2023 and adds an applicability date of July 1, 2023.

Subtitle H. Ward 4 Libraries Act of 2023: The ANS adds “rebuilding” to the list of allowable activities.

Subtitle K. University of the District of Columbia Funding Act of 2023: The ANS clarifies the University’s reporting requirements related to the enhancement provided to increase compensation to faculty and staff positions.

Subtitle M. Special Needs Public Charter School Funding Authorization Act of 2023: The ANS corrects a citation.

Subtitle N. Out of School Time Office Grant Authority Expansion Amendment Act of 2023: The ANS clarifies that the Office may award grants to schools that partner with one or more established 501(c)(3) not-for-profit, youth-serving organizations to provide out-of-school-time programs, provided that the school receives Title I funds.

Subtitle R. Workforce Development Participant Food Purchase Authorization Amendment Act of 2023: The ANS clarifies that the closing ceremony is for the summer youth employment program.

Subtitle S. Flexible Schedule Amendment Act of 2023: The ANS adds a reporting requirement for DCPS related to the funds spent and anticipated to be spent for the pilot; adds the upcoming school year to the pilot, consistent with the funding provided in the FY24 Local Budget Act; and adds requirements to OSSE’s administration of the pilot.

Subtitle T. School Safety Coordination Amendment Act of 2023: The ANS removes the definitions, adjusts the committee membership, and expands elements of the required report.

Subtitle U. Conservation of District of Columbia Public Schools Appropriations Amendment Act of 2023: This new subtitle directs the Chief Financial Officer, beginning with the year-end close for Fiscal Year 2023 and annually during the year-end closing period thereafter, to charge DCPS advance expenditures first against its unspent appropriations before charging them to the advance for the forthcoming fiscal year.

## **TITLE V. HEALTH AND HUMAN SERVICES**

Subtitle A. Public Health Laboratory Amendment Act of 2023: The ANS strikes this subtitle, which would have moved the Public Health Laboratory from the Department of Forensic Sciences to the Department of Health.

Subtitle A. Wards 2 and 3 Senior Wellness Centers Amendment Act of 2023: This new subtitle amends existing law regarding a task force established to evaluate and comment on the

feasibility and planning of a shared Ward 2 and Ward 3 senior wellness center to instead direct the task force to evaluate and comment on two centers, one in each ward.

Subtitle B. Medicaid Hospital Reimbursement Act of 2023: The ANS removed “provider” from the short title; removes the phase-out rate for a nonprofit pediatric acute care hospital (see subtitle V-K); adds a provision authorizing the Mayor to direct the Department of Health Care Finance (DHCF) to make changes to the physician methodology set forth in the State Plan; and makes clarifying changes.

Subtitle G. Substance Abuse and Behavioral Health Services Targeted Outreach Pilot Act of 2023: The ANS amends this subtitle to add a new section directing DBH to issue a grant that was previously included as subtitle 2-B, the Columbia Heights/Mount Pleasant, Lower Georgia Avenue, and U Street Main Street Targeted Outreach Grant Act of 2023.

Subtitle J. Not-For-Profit Hospital Corporation and Fiscal Management Board Extension Conforming Amendment Act of 2023: This new subtitle extends the authority of the United Medical Center (UMC) Fiscal Management Board to continue its operations until the hospital's closure; and establishes an updated timeline to ensure uninterrupted operation until closure.

Subtitle K. Department of Health Care Finance Grants Act of 2023: This new subtitle directs DHCF to issue two grants funded in the FY24 Local Budget Act, \$1 million to the Burn Center at MedStar Washington Hospital Center and \$2 million to Children’s Hospital.

## **TITLE VI. OPERATIONS AND INFRASTRUCTURE**

Subtitle E. Congestion Pricing Study Update Amendment Act of 2023: The ANS requires DDOT to execute a contract for a study update by October 1, 2023; specifies certain contract requirements, including that the contracting party transmit the study to the Council and the Chair of the committee with oversight by January 1, 2024, but not otherwise limiting the contracting party’s ability to share the study; makes other conforming changes; and adds an applicability provision.

Subtitle F. Sustainable Energy Trust Fund Rightsizing Amendment Act of 2023: The ANS makes clarifying changes to allow DOEE to pursue electrification projects throughout the District while also prioritizing the River Terrace and Deanwood neighborhoods.

Subtitle H. For-Hire Vehicle Congestion Management Amendment Act of 2023: The ANS renames this subtitle the For-Hire Vehicle Digital Dispatch Amendment Act of 2023 and makes clarifying changes related to personal mobility aids.

Subtitle I. K Street Transitway Oversight Act of 2023: The ANS prohibits any funding to be spent in FY 2024 on the project, except for funds expended for planning.

Subtitle J. Foundry Branch Trolley Trestle Plan Act of 2023: The ANS renames the subtitle; prohibits the District from acquiring the Trolley Trestle in Fiscal Year 2024, unless there

is a plan and Council approval; and authorizes the District to acquire the Trolley Trestle after the plans are submitted, provided that the Council authorizes it to do so by act.

Subtitle K. Public Restrooms Pilot Program Amendment Act of 2023: This new subtitle amends the Public Restrooms Facilities Installation and Promotion Act of 2018 (“2018 Act”) to establish a public restrooms pilot program at the Department of Public Works to effectuate funding included in the FY 2024 Local Budget Act for this purpose. The subtitle directs DPW to contract with a third-party to place at least 5 ADA-compliant, portable public restrooms in specific areas, among other requirements. The subtitle also revives the applicability provision of the 2018 Act and amends it to reflect the portions of the 2018 Act that are unfunded by the Mayor in the budget and financial plan.

Subtitle L: Greater U Street Performance Parking Zone Amendment Act of 2023: This new subtitle establishes a performance parking zone in the Greater U Street area, as defined in the subtitle. It also revives the Performance Parking Fund and amends it for the purposes set forth in the subtitle.

Subtitle M. Safe Routes to School Action Plan Clarification Amendment Act of 2023: This new subtitle updates the definition of “Action Plan;” specifies that barriers preventing implementation or installation of certain traffic safety infrastructure identified in an Action Plan shall not preclude the implementation or installation of remaining traffic safety measures identified in the Action Plan; requires that for Action Plans finalized before October 1, 2023, any newly identified barriers to implementation of safety items in the plan must be transmitted in writing to the Council and updated on the DDOT website; and that any new Action Plans finalized after this date will be subject to the requirements of Law 24-285, the Safe Streets for Students Amendment Act of 2022, which is partially funded in the budget and already addresses this issue. Finally, the ANS moves the changes to the applicability provision in Law 24-285 from subtitle VII-I to this subtitle to keep provisions of the same underlying law together.

Subtitle N. Marion Barry Avenue Revitalization and Beautification Act of 2023: This new subtitle directs DDOT to prioritize the revitalization and beautification of Marion Barry Avenue when using available allotment in capital project SR098C-Ward 8 Streetscapes, and sets forth permissive uses.

Subtitle O. Vessel Titling Rulemaking Authority Amendment Act of 2023: This new subtitle retroactively requires the Harbor Master to charge fees and taxes for vessel titles and authorizes the Mayor to adjust by rulemaking the amount of the fee and tax charged.

## **TITLE VII. FINANCE AND REVENUE**

Subtitle B. Ballpark Fund Excess Revenue Amendment Act of 2023: The ANS updates the amount of excess revenue being directed in FY 2024 to the General Fund.

Subtitle C. Dedicated Revenue Adjustments Amendment Act of 2023: The ANS makes conforming amendments to the use tax for the changes to the dedicated funding for the Commission on Arts and Humanities and WMATA; strikes the section related to the cap on the

Housing Production Trust Fund dedication to move it to subtitle II-S (Public Housing Stability Amendment Act of 2023); and makes conforming amendments related to the FY24 Capital Improvement Plan's consolidation of Local Streets ward-based projects into one District-wide paving project.

Subtitle E. Designated Fund Transfer Act of 2023: The ANS removes the Fiscal Year 2023 sweeps that were included at first reading but were subsequently added to the FY 2023 Revised Local Budget Adjustment Emergency Act of 2023 instead and its corresponding temporary; and updates the table to reflect the transfer of funds made in the FY24 budget and financial plan.

Subtitle I. Subject to Appropriation Repeals and Modifications Amendment Act of 2023: The ANS reflects several changes to the subtitle from first reading. The ANS strikes the rewrite of the applicability provision for Law 22-280, the Public Restroom Facilities Installation and Promotion Act of 2018 and moves it to new subtitle 6-K (the DPW Public Restrooms Pilot Program Amendment Act of 2023); strikes the rewrite of the applicability provision for Law 24-285, the Safe Streets for Students Amendment Act of 2022 and moves it to the new subtitle VI-M (the Safe Routes to School Action Plan Clarification Amendment Act); repeals the applicability provision for Law 23-187, the Cashless Retailers Prohibition Act of 2019; repeals the applicability provision for Law 24-174, the Clean Hands Certification Equity Amendment Act of 2022, which was funded through the FY 2023 LBA and the September 2022 revised revenue estimate; and updates the applicability provision of Law 24-345, the Comprehensive Policing and Justice Reform Amendment Act of 2022, to reflect the correct provisions subject to funding.

Subtitle J. Revised Revenue Funding Priority Act of 2023: This new subtitle reflects the additional appropriation amendment to the FY24 Local Budget Act, which directs one-time excess FY 2023 revenue to fund a one-year increase of \$39.6 million to SNAP benefits, and then, if available, \$20 million to Events DC for cash assistance to excluded workers. The appropriation of these expenditures is contingent upon adequate excess revenue growth.

A copy of the proposed ANS is attached. Please contact Jennifer Budoff, Council Budget Director, at 724-5689 if you have any questions.